



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of Jingrui Wu *et al.*  
Serial No. 10/678,588  
Filed: 10/02/2003  
For: Yield-Improved Transgenic Plants

Art Unit: 1645  
Examiner: not yet known

**Certificate of Mailing**  
**Petition for Extension of Time**  
**Response to Notice to Comply With Requirements for Patent**  
**Applications Containing Nucleotide Sequence and/or Amino Acid**  
**Sequence Disclosures**

I hereby certify that this communication including in this letter:

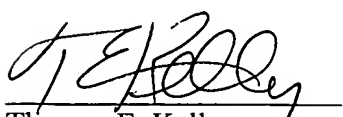
- (a) Petition for Extension of Time,
- (b) Response to notice to comply, and
- (c) Sequence Statement

and as enclosures:

- (d) copy of the notice to comply
- (e) Substitute sequence listing
- (f) CFR of substitute sequence listing, and
- (g) Fee Transmittal FY2005

is being deposited with the United States Postal Service on October 1, 2004 as first class mail addressed to

MS Missing Parts  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

  
Thomas E. Kelley  
Registration No. 29,938



Petition for Extension of Time

Applicant hereby requests under the provisions of 37 CFR 1.136(a) an extension of one month to the period for response to the Notice to Comply dated 07/01/2004 which was set to expire on 09/01/2004. This request will extend the expiration of the period for filing missing parts to 10/01/2004. The \$110 fee for 1 month extension is paid on the enclosed Fee Transmittal for FY 2004.

Response to Notice to Comply

Responsive to the Notice to comply with requirements for patent applications containing nucleotide sequence and/or amino acid sequence disclosures (copy enclosed) enclosed are a substitute sequence listing and CRF of the substitute sequence listing in which the detected errors explained in the notice have been corrected. The note to correct the current application number <140> and filing date <141> is traversed, applicant believes that they were correct and they remain unchanged in the substitute sequence listing.

The substitute sequence listing now includes prior application number <150> and filing date <151> for three prior applications.

When correcting the feature data fields for sequence 8, applicant discovered that the sequence listing did not correspond with sequence 8 as shown in Figure 1 in that the amino acid lysine shown at location 32 in Figure 1 was missing from the sequence listing for sequence 8. A lysine has been added at location 32 to sequence 8 in the substitute sequence listing to effect correspondence to sequence 8 shown in Figure 1 as originally

10/06/2004 HLE333 00000030 134125 10678588

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filed in this application and in priority provisional application Serial No. 60/463,787.

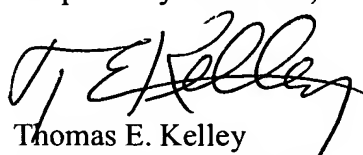
Applicant submits that this change to sequence 8 does not add new matter to the sequence listing.

Applicant hereby requests that the Office replace the originally-filed paper copy of the sequence listing and CRF with the substitute sequence listing and CRF submitted herewith.

Statement about content of Sequence Listing

A CRF of the substitute sequence listing is submitted herewith. In accordance with 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) and 1.825(d) applicant hereby certifies that the copy of the substitute sequence listing in the CRF is the same as the substitute copy of the sequence listing, both of which are submitted herewith and that the sequence listing includes no new matter.

Respectfully submitted,

  
Thomas E. Kelley  
Registration No. 29,938  
Applicant's Attorney  
Phone: 860-572-5274

Enclosures:

Fee Transmittal for FY 2004  
Copy of Notice to Comply  
Sequence listing  
CRF



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 110

## Complete if Known

Application Number	10/678,588
Filing Date	10/02/2003
First Named Inventor	Wu
Examiner Name	
Art Unit	1645
Attorney Docket No.	38-15(52578)C

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit  
Account  
Number  
Deposit  
Account  
Name

134125

Monsanto Company

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments

☐ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$ )

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims	-20** =	X	
Independent Claims	-3** =	X	
Multiple Dependent			

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	88	2201	44	Independent claims in excess of 3
1203	300	2203	150	Multiple dependent claim, if not paid
1204	88	2204	44	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ )

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	110
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 110

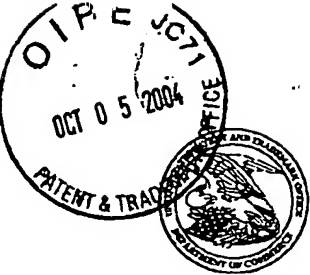
## SUBMITTED BY

Name (Print/Type)	Thomas E Kelley	Registration No. (Attorney/Agent)	29,938	Telephone	860-572-5274
Signature		Date	Oct 1, 2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IFW

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United States Patent and Trademark Office  
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/678,588	10/02/2003	Jingrui Wu	38-15(52578)C

27161  
MONSANTO COMPANY  
800 N. LINDBERGH BLVD.  
ATTENTION: G.P. WUELLNER, IP PARALEGAL, (E2NA)  
ST. LOUIS, MO 63167

CONFIRMATION NO. 7647  
FORMALITIES LETTER



\*OC00000013122098\*

Date Mailed: 07/01/2004

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE  
DISCLOSURES**

*Filing Date Granted*

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

R

*C. Lundy*

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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE